



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,539	02/21/2007	Marko Hannikainen	800.0045.U1(US)	9841
29683	7590	12/14/2009	EXAMINER	
HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212		ART UNIT		PAPER NUMBER

DATE MAILED: 12/14/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

The reply filed 10/02/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The applicant has not fully responded to the rejections set forth in the previous office and has not clearly pointed out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. Applicant merely: (1) reproduces the portions of the cited reference relied upon by the Examiner, and (2), asserts that the language of the claim is not taught. Therefore, the Applicant has failed to rebut the Examiner's rejection of the claim with any persuasive analysis. Instead, Applicant grounds their argument on a conclusory assertion. This form of argument is wholly ineffective in demonstrating error in the Examiner's *prima facie* case to establish the patentability of the claims. *See Ex parte Belinne*, No. 2009-004693, slip op. at 7-8 (BPAI Aug 10, 2009)(informative), available at

<http://www.uspto.gov/web/offices/dcom/bpai/its/fd09004693.pdf>

The Applicant is suggested to review 37 CFR 1.111, Section (c), which states:

"In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections."

Since the above-mentioned reply appears to be a *bona fide* attempt, applicant is

given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission(s) or correction(s) in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRY DENNISON whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Bret Dennison/
Examiner, Art Unit 2443